Application No.: 09/445,289 Docket No.: 60261(49946)
Response dated July 6, 2009 (PATENT)

AMENDMENTS TO THE CLAIMS

Please cancel claims 1-125, 129-130, 132-134, 140-143, and 145-147, and amend claims 126, 128, 144, 148, 149, and 159. The below listing of claims will replace all prior versions, and listings, of claims in the application:

1-125. (Canceled)

- 126. (Currently amended) A method of for resuscitating dormant, moribund or latent Mycobacterium tuberculosis bacterial cells, the method comprising[[,]] contacting the Mycobacterium tuberculosis bacterial cells *in vitro* with an isolated polypeptide selected from the group consisting of:
- i) a polypeptide <u>comprising having</u> at least <u>50% 95%</u> sequence identity with amino acid residues 117 to 184 of SEQ ID NO:2 in a pharmaceutically acceptable carrier;
- ii) a polypeptide <u>comprising having</u> at least <u>20% 95%</u> sequence identity with SEQ ID NO:2; and
- iii) a polypeptide comprising at least amino acid residues 117 to 184 of SEQ ID NO:2; and incubating the cells in culture medium containing the polypeptide, thereby resuscitating said cells.
- 127. (Previously presented) The method of claim 126, wherein the polypeptide is recombinant.
- 128. (Currently amended) The method of claim 126 or 127, wherein said bacterial <u>cells</u> are <u>cell is</u> present in a sample, and the method identifies a <u>dormant, moribund or latent</u>

 <u>Mycobacterium tuberculosis</u> bacterial cell in the sample.

129-130. (Canceled)

131. (Previously presented) The method of claim 126 or 127, wherein the polypeptide is in unit dosage form.

Application No.: 09/445,289 Docket No.: 60261(49946)
Response dated July 6, 2009 (PATENT)

132-134. (Canceled)

135. (Withdrawn) A method for resuscitating dormant, moribund or latent bacterial cells comprising, contacting the bacterial cells with an antibody or functional fragment thereof that binds a polypeptide selected from the group consisting of:

- i) a polypeptide comprising at least 50% identity or homology with amino acid residues 117 to 184 of SEQ ID NO: 2
- ii) a polypeptide comprising at least 50% homology with amino acid residues 224 to 318 of SEQ ID NO: 11;
 - iii) a polypeptide comprising the amino acid sequence of SEQ ID NO: 43;
- iv) a polypeptide comprising at least 20% identity or homology with amino acid residues 117 to 184 of SEQ ID NO: 2; and
- v) a polypeptide homologue, allelic form, species variant or mutein comprising at least 50% identity or homology with amino acid residues 117 to 184 of SEQ ID NO: 2.
- 136. (Withdrawn) The method of claim 135, wherein the antibody is suitable for use in therapy, diagnosis, or prophylaxis of a microbial infection.
 - 137. (Withdrawn) The method of claim 136, wherein the therapy is an immunotherapy.
- 138. (Withdrawn) The method of claim 136, wherein the antibody is in a pharmaceutically acceptable carrier suitable for local or systemic administration.
 - 139. (Withdrawn) The method of claim 136, wherein the antibody is in unit dosage form.
 - 140-143. (Canceled)
- 144. (Currently amended) A method of for resuscitating dormant, moribund or latent <u>Mycobacterium tuberculosis</u> bacterial cells , the method comprising[[,]] contacting the bacterial cells <u>in vitro</u> with a cell strain expressing a nucleic acid encoding a polypeptide comprising a sequence selected from the group consisting of:

Docket No.: 60261(49946) Application No.: 09/445,289 Response dated July 6, 2009

a polypeptide comprising having at least 50% 95% sequence identity with amino acid residues 117 to 184 of SEQ ID NO: 2 in a pharmaceutically acceptable carrier;

- a polypeptide comprising having at least 20% 95% sequence identity with SEQ ID NO: 2; and
 - a polypeptide comprising at least-amino acid residues 117 to 184 of SEQ ID NO: 2; and incubating the cells and cell strain in culture medium, thereby resuscitating said cells.

(PATENT)

145-147. (Canceled)

- 148. (Currently amended) The method of claim 126, wherein the isolated polypeptide has comprises at least 90% 95% sequence identity with amino acid residues 117 to 184 of SEQ ID NO:2.
- 149. (Currently amended) The method of claim 126, wherein the isolated polypeptide has comprises at least 95% sequence identity with amino acid residues 117 to 184 of SEQ ID NO:2.
- 150. (Previously presented) The method of claim 126, wherein the isolated polypeptide comprises amino acid residues 117 to 184 of SEO ID NO:2.
- 151. (Withdrawn) A method for stimulating the growth of a bacterial cell comprising, contacting the bacterial cells with the isolated polypeptide of SEQ ID NO:2.
- 152. (Withdrawn) A method for resuscitating dormant, moribund or latent bacterial cells comprising, contacting the bacterial cells with an isolated M. luteus RF-factor polypeptide (SEQ ID NO:35), thereby resuscitating the dormant, moribund, or latent bacterial cells.
- 153. (Withdrawn) A method for resuscitating dormant, moribund or latent bacterial cells comprising, contacting the bacterial cells with an isolated polypeptide comprising at least 85% identity with SEQ ID NO:2.

Application No.: 09/445,289 Docket No.: 60261(49946)
Response dated July 6, 2009 (PATENT)

154. (Withdrawn) The method of claim 153, wherein the polypeptide comprises at least 90% identity with SEQ ID NO:2.

- 155. (Withdrawn) The method of claim 154, wherein the polypeptide comprises at least 95% identity with SEQ ID NO:2.
- 156. (Withdrawn) The method of claim 155, wherein the polypeptide consists of SEQ ID NO:2.
- 157. (Previously presented) The method of claim 126, wherein the polypeptide is purified essentially to homogeneity.
- 158. (Previously presented) The method of claim 144, wherein the polypeptide is purified essentially to homogeneity.
- 159. (Currently amended) The method of claim 128, wherein the <u>sample is taken from a human or animal bacterial cell is from a patient</u>.

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